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*Attorneys for Plaintiff and the Alleged Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,  
INC., individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Judge: Hon. Edward M. Chen  
Courtroom: 5  
Complaint Filed: September 11, 2019

Pursuant to Local Civil Rule 79-5 and 7-11, Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante") respectfully seeks leave to file the documents described below under seal. This motion is supported by the Declaration of Patrick H. Peluso.

Civil L.R. 79-5(e) states that if the party submitting a motion to file under seal "is seeking to file under seal a document designated as confidential by the opposing party or a non-party pursuant to a protective order, or a document containing information so designated by an opposing party or a non-party, the Submitting Party's declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the

1 designated confidential material and identify the party that has designated the material as  
2 confidential (“the Designating Party”).”

3 Plaintiff respectfully requests that Plaintiff’s Reply in Support of Motion for Class  
4 Certification (the “Motion”), page 2 n.1; page 3 lines 5-6, 13, 19-21; page 8 lines 26-27; page 9  
5 lines 1-3; and page 14 lines 15-19 be filed under seal. These documents have been designated  
6 confidential by Defendant Total Merchant Services, LLC (“Defendant”) pursuant to the stipulated  
7 protective order entered in this case (dkt. 42).

8 Accordingly, Plaintiff respectfully moves to file the following documents under seal in  
9 compliance with the stipulated protective order:

- 10 1. Plaintiff’s Reply in Support of Motion for Class Certification, page 2 n.1; page 3  
11 lines 5-6, 13, 19-21; page 8 lines 26-27; page 9 lines 1-3; and page 14 lines 15-19,  
12 which discuss documents and testimony that were designated as confidential by  
13 Defendant pursuant to the protective order entered in this case.

14 Accordingly, Plaintiff respectfully requests that the Court grant this administrative motion  
15 to seal.

16 Respectfully submitted,

17 Dated: May 21, 2021

**ABANTE ROOTER AND PLUMBING, INC.,**  
individually and on behalf of all others similarly  
situated,

19 By: /s/ Patrick H. Peluso  
20 One of Plaintiff’s Attorneys

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28 Attorneys for Plaintiff and the Classes

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Patrick H. Peluso